

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**BRANDY TAYLOR, on
behalf of her minor son,
Theodore Haile, Jr.**

Plaintiff,

CIVIL ACTION NO. 14-CV-13893

vs.

DISTRICT JUDGE SEAN F. COX

**COMMISSIONER OF
SOCIAL SECURITY,**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendant.

/

REPORT AND RECOMMENDATION

Plaintiff Brandy Taylor seeks judicial review of Defendant the Commissioner of Society Security's determination that her minor son, Theodore Haile, Jr., is not entitled to Social Security benefits for his physical and mental impairments under 42 U.S.C. § 405(g). (Docket no. 1.) The matter has been referred to the undersigned for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). (Docket no. 4.)

I. Recommendation

For the reasons discussed herein, the undersigned recommends that this matter be dismissed, without prejudice, for failure to prosecute pursuant to E.D. Mich. Local Rule 41.2.

II. Discussion

On December 24, 2014, this Court issued a scheduling order requiring Plaintiff to file her motion for summary judgment on or before February 6, 2015. (Docket no. 13). The Order was served on the parties the same day. Plaintiff did not file a Motion for Summary Judgment and did

not make any attempt to seek an extension. On February 12, 2015, the Court issued Order To Show Cause for Plaintiff to respond on or before March 13, 2015, and explain why she failed to comply with the scheduling order, or, in the alternative, file her Motion for Summary Judgment. (Docket no. 16). Plaintiff was notified that the “[f]ailure to respond . . . by March 13, 2015, may result in the dismissal of this case.” (Docket no. 16). Again, the Order was served on Plaintiff and Defendant’s counsel of record.

To date, Plaintiff has not responded to the Court’s Order. Plaintiff has filed nothing with the Court since her initial Complaint and Application to Proceed In Forma Pauperis (Docket nos, 1 and 2). Under Fed. R. Civ. P. 41(b), a federal court may sua sponte dismiss a claim for failure to prosecute or comply with an order. *See also* E.D. Mich. LR 41.2 (“[W]hen it appears that . . . the parties have taken no action for a reasonable time, the Court may, on its own motion after reasonable notice . . . enter an order dismissing . . . the case unless good cause is shown.”). Accordingly, the Court recommends that the instant complaint be dismissed for failure to prosecute and for failure to comply with the Court’s Order.

REVIEW OF REPORT AND RECOMMENDATION

Either party to this action may object to and seek review of this Report and Recommendation, but must act within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing objections which raise some issues but fail to raise others with specificity will not preserve all objections that a party might have to this Report and

Recommendation. *Willis v. Sec'y of Health and Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Pursuant to Rule 72.1(d)(2) of the *Local Rules of the United States District Court for the Eastern District of Michigan*, a copy of any objection must be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be not more than five (5) pages in length unless by motion and order such page limit is extended by the Court. The response shall address specifically, and in the same order raised, each issue contained within the objections.

Dated: April 30, 2015

s/ Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Report and Recommendation was served on counsel of record on this date.

Dated: April 30 2015

s/Jane Johnson for

Lisa Bartlett, Case Manager